

## MINUTES

### BOARD OF ADJUSTMENT HEARING

June 10, 2009

#### ATTENDANCE

##### Board Members

##### ATTENDED

1. Bill Arendell, Chairman
2. Carla Bowen

##### ABSENT

Hartley Turley

##### Staff Attendance

1. Linda Elliott, Planner I
2. Doris Hernandez, Secretary

Meeting held at the Navajo County Board of Supervisors Chambers, Holbrook, Arizona – Time: 10:00 a.m.

**Bill Arendell** called the meeting of the Navajo County Board of Adjustment to order and explained the meeting procedures to the public. **Mr. Arendell** then led the Pledge of Allegiance.

**Item #1 – ACTION: USE PERMIT APPLICANT/OWNER:** Catherine Mowery **PARCEL INFORMATION:** Deer Run Road & Buffington Hill Road APN: 201-42-018B, Township 14 North, Range 16 East, Section 4 of the Gila and Salt River Meridian in the Chevelon Retreat area. District: IV Area: Forest Road 504, 8 miles to Forest Road 153, 6 miles to Forest Road 95, 1 ½ miles; cross over cattle guard continue straight for 1 ½ miles to Buffington Hill Road. Site in on the right. Parcel Size: 20 Acres. **GENERAL CHARACTER OF NEIGHBORHOOD:** This property and all properties surrounding it are all zoned A-General. The neighborhood is comprised of site built homes with some manufactured homes. The site for the Guest quarters is approximately 76' from primary home on property and 142' from Deer Run Road. **ZONING DISTRICTS:** Current: A-GENERAL Uses: Residential Single-family dwellings, schools, parks, churches, public utility buildings, accessory buildings, playgrounds, public riding stables and other community buildings. **ZONING ORDINANCE:** Article(s): 28 – Board of Adjustment Section(s): 2802- Power and Duties **STATED REASON FOR REQUEST:** To allow placement of a 2<sup>nd</sup> dwelling on the 20 acre parcel to provide Guest quarters for family on the premises. **CHANGING CONDITIONS:** The proposed use permit will allow a second dwelling on the property. There will be additional cars accessing the driveway off of Deer Run Road. The driveway to the guest quarters will come off existing driveway to main house. **FINDINGS OF FACT:** The legal for this item has been properly noticed in the Holbrook Tribune and placards were posted in the neighborhood in compliance with Arizona Revised Statutes and Article 28. The applicant has submitted the plans and supporting documents required by Section 2804, and said plans and supporting documents are complete and adequate for the Board's purposes. The subject property is zoned A-General, and the proposed use is one for which a Use Permit may properly be granted pursuant to Section 2804. The subject property has an existing house and the development of the subject property with a second dwelling will have impacts such as increased traffic and drainage issues. The staff and the applicant have considered these issues. After balancing these impacts against the applicant's right to develop its property, staff finds that the public health, safety and general welfare will not be adversely affected by the issuance of a Use Permit and that the conditions set forth herein will provide adequate protection for adjacent properties and the permitted uses thereof. **ENGINEERING:** The Engineering Staff has no objections to the applicants request for a Use Permit for a second dwelling on the property. **DRAINAGE & TRAFFIC:** The Engineering Department has completed the drainage review for this SUP. We have no concerns with the issuance of this Use Permit. **FLOOD CONTROL:** A review of FEMA map 3700E dated 9/26/08 shows that this property is not in a Floodplain. The Flood Control staff has no objections to this Use Permit for a guest home to be located on this property. **PLANNING & ZONING DEPARTMENT:** The Planning & Zoning staff has reviewed the Use Permit application and finds it ready for processing. This is an allowed use in A-General zoning with a Use Permit. **PUBLIC WORKS DEPARTMENT RECOMMENDATION:** Should the Board grant this Use

Permit request, staff would recommend the following conditions be applied. The applicant must adhere to all Navajo County permit and code requirements for construction of the guest quarters. The Use Permit is solely for use as a guest quarters and shall be allowed to occur only in the location shown on the site plan and the structure shall never be used as a rental unit. The use permit shall automatically expire if substantial construction has not been completed within one year from the date on which the use permit is granted. **Linda Elliott** gave a brief description of the property. She displayed a map of the parcel. **Ms. Elliott** stated that the septic system is already installed on the property for the guest quarters. She also stated that the existing driveway will be used for the guest quarters as well as the main house. **Mr. Arendell** stated that this is an allowable use. There was no one in opposition to this Use Permit. **Carla Bowen** made a motion to approve the Use Permit. **Mr. Arendell** seconded the motion. **Use Permit passes unanimously by Resolution #44:09.**

**Item #2 – ACTION: USE PERMIT APPLICANT/OWNER:** Russell G., Lynnette S. & Nicholas K. Tims **PARCEL INFORMATION:** 8857 Garden Home Trail. APN: 403-69-016B, Township 14 North, Range 23 East, Section 19 of the Gila and Salt River Meridian in the Snowflake area. District: III Area: 7.2 miles east on Concho Road to Hay Hollow Road. Turn left on Hay Hollow and go 2.9 miles, turn left on Garden Home Trail and follow for approximately 1400 ft. Parcel Size: 20 Acres **GENERAL CHARACTER OF NEIGHBORHOOD:** This property and all properties surrounding it are all zoned RU-20. The neighborhood is comprised of site built homes with some manufactured homes. The site for the caretaker's quarters is approximately 125' from primary dwelling. The property is surrounded by a fence. **ZONING DISTRICTS:** Current: RU-20 **Uses:** Residential Single-family dwellings, schools, parks, churches, public utility buildings, accessory buildings, playgrounds, public riding stables and other community buildings. **ZONING ORDINANCE:** Article(s): 28 – Board of Adjustment Section(s): 2802-Power and Duties **STATED REASON FOR REQUEST:** To allow placement of a 2<sup>nd</sup> dwelling on the 20 acre parcel to provide caretakers quarters for caretakers employed on the premises. **CHANGING CONDITIONS:** The proposed use permit will allow a second dwelling on the property. There will be additional cars accessing the driveway off of Garden Home Trail. **FINDINGS OF FACT:** The legal for this item has been properly noticed in the Holbrook Tribune and placards were posted in the neighborhood in compliance with Arizona Revised Statutes and Article 28. The applicant has submitted the plans and supporting documents required by Section 2804, and said plans and supporting documents are complete and adequate for the Board's purposes. The subject property is zoned RU-20, and the proposed use is one for which a Use Permit may properly be granted pursuant to Section 2804. The subject property has an existing house and the development of the subject property with a second dwelling will have impacts such as increased traffic and drainage issues. The staff and the applicant have considered these issues. After balancing these impacts against the applicant's right to develop its property, staff finds that the public health, safety and general welfare will not be adversely affected by the issuance of a Use Permit and that the conditions set forth herein will provide adequate protection for adjacent properties and the permitted uses thereof. **ENGINEERING:** The Engineering Division has reviewed the information provided for the proposed Use Permit for the addition of a Caretakers Residence on the subject parcel. Provided that an appropriate septic system is provided for the building, as indicated on the site drawing, and correct setbacks are maintained, Engineering has no objections to this Use Permit. **DRAINAGE & TRAFFIC:** The Engineering Department has completed the drainage review for the SUP. We have no concerns with the issuance of this SUP. **FLOOD CONTROL:** A review of FEMA map 4075E dated 9/26/08 shows that this property is not in a Floodplain. A review of the USGS quad map shows no indication of a watercourse in this area. The Flood Control Staff has no objection to the proposed Use Permit for this parcel. **PLANNING & ZONING DEPARTMENT:** The Planning & Zoning staff has reviewed the Use Permit application and finds it ready for processing. This is an allowed use in RU-20 zoning with a Use Permit. **PUBLIC WORKS DEPARTMENT RECOMMENDATION:** Should the Board grant this Use Permit request, staff would recommend the following conditions be applied. The applicant must adhere to all Navajo County permit and code requirements for construction of the caretaker's quarters. The Use Permit is solely for use as caretaker's quarters and shall be allowed to occur only in the location shown on the site plan and the structure shall never be used as a rental unit. The use permit shall automatically expire if substantial construction has not been completed within one year from the date on which the use permit is granted. **Linda Elliott** gave a brief description of the property. She also displayed a map of the parcel. She stated that the owners have installed the septic. No one was opposed to the Use Permit. **Carla Bowen**

made a motion to approve the Use Permit. Mr. Arendell seconded the motion. **The Use Permit passes unanimously by Resolution # 45:09**

**Item #3 – Possible approval of the minutes for the May 13, 2009 meeting.** Mr. Arendell made a motion to approve the minutes. Ms. Bowen seconded the motion. Motion passed with a vote of 2 to 0.

**Item #4 – Department report to Board.**

**Item #5– Board Members comments and/or directions to staff.** The Board Members may use this time to offer additional comments regarding any item on this agenda or any other topic; and the board may direct Development Services Department Staff to study or provide additional information on topics of the Boards' choosing.

With there being no further business to come before the Board of Adjustment, the meeting was adjourned at 10:08 a.m. A motion was made to adjourn the meeting by Ms. Bowen. Mr. Arendell seconded the motion. Motion passes unanimously.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Chairman, Navajo County  
Board of Adjustment

ATTEST:

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Secretary, Navajo County  
Board of Adjustment